



MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 01-56

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Jonathan Raymond, President
Commonwealth Corporation

Date: November 15, 2001

Subject: Statewide Process for Determining Subsequent (Continued) Eligibility of
Individual Training Account Providers

Purpose: To provide notice to the Local Workforce Investment Boards regarding the establishment of a statewide process to be used when determining the subsequent (continued) eligibility of a Training Provider's programs determined to be initially eligible as Individual Training Account Providers.

Background: Workforce Investment Act, Section 122(c)(1) and WIA Regulations at 20 CFR Part 663.535(a) require that, "The Governor must develop a procedure for the Local Boards to use in determining the subsequent eligibility of all eligible training providers determined initially eligible". In addition, Workforce Investment Act Section 122(c)(5)(A) and WIA Regulations at 20 CFR Part 663.535(c)(1) state that in establishing the procedure, the Governor require that, "Providers annually submit performance and cost information". Lastly, Workforce Investment Act Section 122(c)(6) and WIA Regulations at 20 CFR Part 663.535(d) state that, "The provider's performance information must meet the minimum acceptable levels established under CFR Part 663.535(c)(2) to remain eligible."

Statewide Process for Determining Subsequent (Continued) Eligibility of Individual Training Account Providers

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The procedures to be used by local areas when determining subsequent eligibility have been developed by the ITA-Provider Eligibility Workgroup. The timeframe for implementation of the subsequent eligibility procedures and review has been set for November 2001 through February 2002. It is anticipated that the State List in MOSES will be updated to reflect training provider subsequent eligibility status by February 28, 2002.

Policy: **Subsequent Eligibility Review Process**

In this first year of WIA, Massachusetts is seeking a waiver from USDOL permitting the Commonwealth to use only performance information relating to WIA Title I participants to determine subsequent eligibility. In addition, because of the statistical problems relating to reviewing programs with few participants, only programs that served 5 or more WIA participants will be subject to performance review. Regardless of the status of the waiver request, performance information reported by the service providers for all other individuals receiving training is for informational purposes only and will not be used as criteria for determining subsequent eligibility of the provider's program(s).

- 1) CommCorp will create and run reports utilizing the MOSES system that will list the required performance information for Title 1 ITA participants only sorted by service provider program. These reports will be sent to all eligible training providers requiring that they review the information for accuracy. Vendors must return their information to CommCorp by 12/15/01. Overall vendor performance information will not be deemed acceptable. Performance information must be program and location specific. Only the WIA Title I training participant performance information supplied by MOSES and verified by the training provider will be used as a basis to determine subsequent eligibility.
- 2) Upon return of the service providers' reports, CommCorp will review the submitted program information and note those programs that fail to meet all the Statewide Minimum Performance Levels. The reports will be sorted by Local Workforce Investment Area and the program information will be sent to the applicable Local Area(s) for review.
- 3) Local Areas will review the remaining programs performance information for subsequent eligibility status using their previously determined Performance Measures and the Statewide Minimum Performance Levels or the locally decided higher performance levels for those Performance Measures. (See WIA Communication #01-55), "Statewide Minimum Performance Levels for Subsequent Eligibility of ITA Providers") In addition, each Local Area will review the remaining programs for eligibility using local area economic (demand occupation), geographic and demographic factors of the population being served, and local population

characteristics.

- 4) Local Boards may require providers to submit other verifiable program-specific performance information to obtain subsequent eligibility. However, if a Local Board requests additional information that imposes extraordinary costs on the providers, or if the providers experience extraordinary costs in the collection of the required information, the Local Board must provide access to cost effective methods for collecting the information involved. Local Workforce Investment boards should keep this in mind if requesting additional performance information so as not to unduly burden the providers.
- 5) After review, Local Areas will report back to CommCorp by February 15, 2002, those programs that do not meet the standards for subsequent ITA eligibility in their area.
- 6) Upon receipt of the reports from a Local Area and where necessary, MOSES will be updated to reflect the change in status of the program from approved to denied in that local area. Programs that fail to meet all the Statewide Minimum Performance Levels will automatically have their status changed to denied unless a Local Area can show that the program met the locally determined Performance Levels and Performance Measures in their area.

Effective: Effective for all Workforce Investment Act funds provided by the Commonwealth Corporation.

Action

Required: Please distribute copies of this policy to all appropriate individuals in your organization.

References: Workforce Investment Act (WIA) Sections 122(c)(1), (c)(5)(A) and (c)(6); WIA Regulations at 20 CFR 663.535 Parts (a), (c)(1), and (d).

Inquiries: Any questions related to this correspondence should be directed to Spencer Klein at (617) 727-8158 extension 2356.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-56.